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TO: Patricia Ann Duffy **FROM:** Frank C. Eisenschenk, Ph.D.**COMPANY:** U.S. Patent Office, Art Unit 1645 **DATE:** August 8, 2006**FAX NO.:** 1-571-273-8300 **NO. OF PAGES:** 6
(INCLUDING COVER SHEET)

SUBJECT/MESSAGE: U.S. Patent Application Docket No. UF-167XC3D2
Nucleic Acid Vaccines Against Rickettsial Diseases and
Methods of Use
(Barbet, *et al.*)
Serial No. 10/772,077; Filed November 24, 2003**Attachment:** Election Under 35 U.S.C. § 121 and Supplemental Preliminary Amendment
(5 pages)

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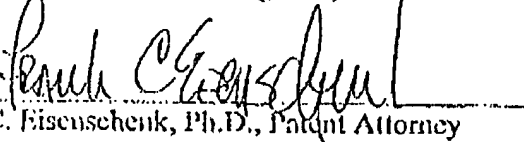
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Frank C. Eisenschenk, Ph.D., Patent Attorney

ELECTION UNDER 35 U.S.C. § 121
AND SUPPLEMENTAL PRELIMINARY
AMENDMENT

Examining Group 1645
Patent Application
Docket No. UF-167XC3D2
Serial No. 10/722,077

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Patricia Ann Duffy
Art Unit : 1645
Applicants : Anthony F. Barbet, Michael V. Bowie, Roman Reddy Ganta, Michael John
Burridge, Sunan M. Mahan, Travis C. McGuire, Fred R. Rurangirwa, Annie
L. Moreland, Bigboy H. Simbi, William M. Whitmire, Arthur Rick Alleman
Serial No. : 10/722,077
Filed : November 24, 2003
Conf. No. : 8724
For : Nucleic Acid Vaccines Against Rickettsial Diseases and Methods of Use

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

ELECTION UNDER 35 U.S.C. § 121 AND
SUPPLEMENTAL PRELIMINARY AMENDMENT

Sir:

In response to the written Restriction Requirement dated July 10, 2006 in the above-identified patent application, Applicants hereby elect to prosecute the invention of Group I (claims 1-6), with traverse Applicants also elect polynucleotides encoding the polypeptide of SI:Q ID NO: 26 for examination purposes.

Prior to examination, Applicants respectfully request that the subject application be amended as follows:

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